

against the enemies of freedom who target innocent civilians and seek weapons of mass destruction. I appreciate John's willingness to once again serve his country and the many men and women who serve in the intelligence community.

Statement on House of Representatives Action on Energy Legislation

April 21, 2005

I commend the House for taking an important step to secure our energy future and to reduce our dependence on foreign sources of energy. The House energy legislation is largely consistent with the key objectives of my comprehensive national energy policy: increasing conservation and efficiency, expanding domestic production in environmentally responsible ways, diversifying our energy supply with more renewables and clean fuels, and modernizing our energy infrastructure. For more than a decade, our Nation has not had a sensible, balanced, and comprehensive energy strategy. An energy bill will help us make better use of the energy supplies we have and will make our supply of energy more affordable and more secure for the future. I look forward to swift Senate action so that I can sign a bill into law by August.

Statement on Senate Action on Appropriations Legislation for Afghanistan, Iraq, and the War on Terror

April 21, 2005

I applaud the Senate for its strong bipartisan support for our troops and our continued effort to win the war on terror. New democracies are taking root in Iraq and Afghanistan, and America is proud to stand with them. Both countries are assuming greater responsibility for their own security, which will help our troops return home as quickly as possible with the honor they have earned. I urge the House and Senate to reach a final agreement that focuses taxpayer dollars on providing the tools our troops and diplomats

need now, so that I can sign a bill into law as soon as possible.

Memorandum on Effective Dates of Provisions in Title I of the Intelligence Reform and Terrorism Prevention Act of 2004

April 21, 2005

Memorandum for the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Energy, the Secretary of Homeland Security, the Director of the Office of Management and Budget, the Director of National Intelligence

Subject: Effective Dates of Provisions in Title I of the Intelligence Reform and Terrorism Prevention Act of 2004

Subsection 1097(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458, December 17, 2004) (the Act) provides:

- (a) IN GENERAL—Except as otherwise expressly provided in this Act, this title and the amendments made by this title shall take effect not later than 6 months after the date of the enactment of this Act.

Subsection 1097(a) clearly contemplates that one or more of the provisions in Title I of the Act may take effect earlier than the date that is 6 months after the date of enactment of the Act, but does not state explicitly the mechanism for determining when such earlier effect shall occur, leaving it to the President in the execution of the Act. Moreover, given that section 1097(a) evinces a legislative intent to afford the President flexibility, and such flexibility is constitutionally appropriate with respect to intelligence matters (see *United States v. Curtiss-Wright Export Corporation*, 299 U.S. 304 (1936)), the executive branch shall construe section 1097(a) to authorize the President to select different effective dates that precede the 6-month deadline for different provisions in Title I.

Therefore, pursuant to the Constitution and the laws of the United States of America,

including subsection 1097(a) of the Act, I hereby determine and direct:

1. Sections 1097(a) and 1103 of the Act, relating respectively to effective dates of provisions and to severability, shall take effect immediately upon the signing of this memorandum to any extent that they have not already taken effect.
2. Provisions in Title I of the Act other than those addressed in numbered paragraph 1 of this memorandum shall take effect immediately upon the signing of this memorandum, except:
 - (a) any provision in Title I of the Act for which the Act expressly provides the date on which the provision shall take effect; and
 - (b) sections 1021 and 1092 of the Act, relating to the National Counterterrorism Center.

The taking of effect of a provision pursuant to section 1097(a) of the Act and this memorandum shall not affect the construction of such provision by the executive branch as set forth in my Statement of December 17, 2004, upon signing the Act into law.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the *Federal Register*.

George W. Bush

Memorandum on Assignment of Reporting Functions Under the Intelligence Reform and Terrorism Prevention Act of 2004

April 21, 2005

Memorandum for the Secretary of State, the Secretary of Defense, the Director of National Intelligence, the Attorney General, the Secretary of Homeland Security

Subject: Assignment of Reporting Functions under the Intelligence Reform and Terrorism Prevention Act of 2004

By the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3, United States Code:

- (1) The reporting functions of the President under sections 4026(a)(4)(A), 4026(c)(2), 7104(e)(4)(A), 7202(d), 7204(c)(1)–(2), and 7119(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458, 118 Stat. 3638) (the “Act”) are hereby assigned to the Secretary of State.

The reporting function under section 7202(d) of the Act on the Human Smuggling and Trafficking Center shall be coordinated with the Attorney General and the Secretary of Homeland Security.

Heads of departments and agencies shall, to the extent permitted by law, furnish to the Secretary of State information the Secretary requests to perform such functions, in the format and on the schedule specified by the Secretary.

- (2) The reporting function of the President under section 7104(i) of the Act is hereby assigned to the Secretary of Defense.

Heads of departments and agencies shall, to the extent permitted by law, furnish to the Secretary of Defense information the Secretary requests to perform such functions, in the format and on the schedule specified by the Secretary.

- (3) The reporting functions under sections 1022 and 1094 of the Act are hereby assigned to the Director of National Intelligence.

Heads of departments and agencies shall, to the extent permitted by law, furnish to the Director of National Intelligence information the Director requests to perform such functions, in the format and on the schedule specified by the Director.

The Secretaries of State and Defense, and the Director of National Intelligence shall perform such functions in a manner consistent with the President’s constitutional authority to withhold information the disclosure